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*** Reg'd Patent Attorney**
(Registration No. 27,018)

March 20, 2003

Clinton T. Ostrup
Art Unit 1614
1911 So.. Clark
Crystal Mall 1
Arlington, Va 22202

Re: Application No. 09/920,674
Nathoo, Salim

Dear Mr. Ostrup:

~~Please find enclosed our reponse to your communication of 12/23/02. We have included~~
two copies of the application; one showing all corrections and a clean final copy without the
corrections indicated.

Very truly yours.


Abraham Wilson

Attachments

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

65

Complete if Known

Application Number 09/929,674
Filing Date 08/02/2001
First Named Inventor JALIM A. NATHO
Examiner Name OSTROP, CLINTON T.
Art Unit 1614
Attorney Docket No. NAT 003 PAT

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =
Independent Claims -3** = X =
Multiple Dependent =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053 130	1053 130	Non-English specification
1812 2,520	1812 2,520	For filing a request for ex parte reexamination
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action
1251 110	2251 55	Extension for reply within first month
1252 410	2252 205	Extension for reply within second month
1253 930	2253 465	Extension for reply within third month
1254 1,450	2254 725	Extension for reply within fourth month
1255 1,970	2255 985	Extension for reply within fifth month
1401 320	2401 160	Notice of Appeal
1402 320	2402 160	Filing a brief in support of an appeal
1403 280	2403 140	Request for oral hearing
1451 1,510	1451 1,510	Petition to institute a public use proceeding
1452 110	2452 55	Petition to revive - unavoidable
1453 1,300	2453 650	Petition to revive - unintentional
1501 1,300	2501 650	Utility issue fee (or reissue)
1502 470	2502 235	Design issue fee
1503 630	2503 315	Plant issue fee
1460 130	1460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1806 180	Submission of Information Disclosure Stmt
8021 40	8021 40	Recording each patent assignment per property (times number of properties)
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))
1801 750	2801 375	Request for Continued Examination (RCE)
1802 900	1802 900	Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

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SUBMITTED BY

Name (Print/Type)	<u>ABRAHAM WILSON</u>	Registration No. (Attorney/Agent)	<u>27,018</u>	Telephone	<u>732-885-5740</u>
Signature	<u>Abraham Wilson</u>	Date	<u>03/20/2003</u>		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of:

Salim A. Nathoo

Application No.: 09/920,674

Filed: 08/02/01

For: "Tooth Whitening Hydrogels"

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}Art Unit: 1614

}Examiner: Clinton T. Ostrup

Reply to Office Action Dated 12/23/2002*

*(Page numbers refer to those of the examiner's Paper No. 5)

Oath/Declaration

A new Declaration For Utility or Design Patent Application complying with 37 CFR 1.67(a) is submitted herewith.

Claim Objections

The numbering of Claims has been corrected in accordance with 37 CFR 1.126
Claim 2 has been corrected so as to eliminate the objections. Claims 4 and 7 are abandoned.

Elections/Restrictions

No change in Inventorship has occurred. Claim 14 has been corrected and relabeled 19.

Specification

Corrections have been made to the disclosure to remove the objections thereto.
Patent numbers have been re-designated "No.". Trademarks have been capitalized, and referred to the holders of the mark. The letter "y" has been removed from page 2, line 21. The double period has been singularized on page 7, line 1. In Table 5, "Dequest" has been correctly spelled. The application has been double-spaced.

Claim Rejections 35 USC 112

Claims 1 to3, 5 and 6, 8 to 13 and 19 have been revised to particularly point out and distinctly claim the subject matter of the invention, namely by appropriately using the terminology of the invention stated in the specification, i.e., A "dentifrice composition for whitening teeth free of hydrocarbon humectant"

Claim 4 and 7 are abandoned.

Claims 11, 12 and 13 have been corrected to show explicitly that the percentages are based on

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CTO
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total weight of the composition. Claims 1 to 3, 5 and 6, 8 to 10 and 19 have been corrected to show that the percentages are based on total weight of the composition.

Claim Rejections 35 USC 102hujiy

Frazier

The Frazier patent does not share an identity of purpose with the instant invention in that Frazier makes no claim for whitening teeth.

Furthermore, the composition shown in Col 4, example 5 is used to test the pH of the composition and does not teach the use of DEQUEST 2010, pyrophosphate, and fluoride as chelating agents. The composition contains citric acid and sodium citrate as flavoring agents.

The composition shown in Col 5, example 6 includes dyes and is used to test dye stability. It does not teach the use of DEQUEST 2010, pyrophosphate and fluoride as chelating agents.

Claims 5, 6 and 7 teach that the thickening system consists of Polaxamer, carboxymethylene and cellulose ethers. The instant invention makes exclusive use of Polaxamer.

Claim 10 teaches that glycerin, a hydrocarbon humectant, is a solvent. The instant invention is free of hydrocarbon humectants.

Claim Rejections 35 USC 103

Frazier

This patent is the primary patent cited by the Examiner. It does not teach the present invention with the cited patents below in combination, which would have been obvious to one skilled in the art as is shown below.

Oxman

This patent shows the use of a low viscosity liquid, which gels when placed on the teeth. This patent does not specifically teach the use of the mixed metal chelating system i.e., Dequest 2010, pyrophosphate, and fluoride. It does not teach the use of sodium lauryl sulfate. . . It does not teach the present invention in combination with Frazier, which would have been obvious to one skilled in the art.

Day

This patent teaches the preparation of clear gel dentifrices, contains abrasives and humectants and does not teach whitening of teeth. It does not teach the present invention in combination with Frazier, which would have been obvious to one skilled in the art.

Clipper

This patent does not teach the use of the mixed metal chelating system i.e., Dequest 2010, pyrophosphate, and fluoride. The patent pertains to a mouthwash and not a tooth whitening preparation. It does not teach the present invention in combination with Frazier, which would have been obvious to one skilled in the art.

None of the above patents teach alone or in combination the present invention that would have been obvious to one skilled in the art:

1. The beneficial effects of hydrocarbon free peroxide compositions;
2. The beneficial effects of the mixed metal chelating system; or
3. The inhibition of catalase.

Respectfully submitted,



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